

**ORIGINAL**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, ex rel. )  
Luis Munoz )

Plaintiff )

vs. )

Raymond Lesko a/k/a Raymond J. Lesko )  
a/k/a Raymond J. Lesko Jr. )

Defendant )

Case No.

**23 CV 08031**

EX PARTE MOTION TO FILE  
COMPLAINT UNDER SEAL

**JUDGE PHILIP M. HALPERN**

FILED IN CAMERA AND UNDER SEAL  
PURSUANT TO 31 U.S.C. § 3730(b)(2)

SEP 11 2023

WP  
S.D. OF N.Y.

**PLAINTIFF-RELATOR'S EX PARTE MOTION TO FILE COMPLAINT UNDER SEAL**

Pursuant to the mandatory requirements of the False Claims Act, 31 U.S.C. § 3730(b)(2), Plaintiff-Relator Luis Munoz (hereinafter "Relator") files this *Ex Parte* Motion to file the Complaint (and civil cover sheet) in this action under seal.

The Complaint in this qui tam action asserts violation of the False Claims Act ("FCA") 31 U.S.C. § 3729 et seq. The FCA mandates that the Complaint be filed under seal. 31 U.S.C. § 3730(b)(2). That section of the statute provides: "the complaint shall be filed in camera, shall remain under seal for at least 60 days, and shall not be served on the defendant until the court so orders." 31 U.S.C. § 3730(b)(2).

For the foregoing reasons, Relator requests that the Court grant this Motion and issue an Order requiring that the Complaint be filed under seal. A Proposed Order is attached.

Respectfully submitted,  
Luis Munoz, Plaintiff-Relator

Dated: September 11, 2023

By: /s/lance liu   
Lance Liu, Esq.  
Attorney for Plaintiff-Relator  
Dragon Sun Law Firm, P.C.  
148 East Avenue, Unit 1F  
Norwalk, CT 06851  
NY Attorney Reg. No.: 3002946  
Tel: (203)706-9536  
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Attorney for Plaintiff-Relator, Lui Munoz

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, ex rel.	)	
Luis Munoz,	)	Case No.
	)	
Plaintiff,	)	ORDER
	)	
vs.	)	(Filed In Camera and Under Seal)
	)	
	)	FILED IN CAMERA AND UNDER SEAL
Raymond Lesko a/k/a Raymond J. Lesko	)	PURSUANT TO 31 U.S.C. §3730(b)(2)
a/k/a Raymond J. Lesko Jr.	)	
	)	
Defendant	)	
_____	)	

**ORDER**

UPON CONSIDERATION of Plaintiff-Relator Luis Munoz's *Ex-Parte* Motion To File Complaint Under Seal, and for good cause shown, it is hereby

ORDERED, that the Motion is Granted, and it is further

ORDERED, that the Complaint in this action shall be filed under seal pursuant to 31 U.S.C. §3730 and remain under seal until further order of the Court.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

BY THE COURT

\_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

[UNDER SEAL],	)	Case No.
	)	
Plaintiff	)	EXPARTE MOTION TO FILE
	)	COMPLAINT UNDER SEAL
vs.	)	
	)	
	)	FILED IN CAMERA AND UNDER SEAL
[UNDER SEAL],	)	PURSUANT TO 31 U.S.C. §3730(b)(2)
	)	
Defendant	)	
	)	

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**DOCUMENT TO BE KEPT UNDER SEAL  
(DO NOT PLACE ON PACER)**

Lance Liu, Esq.  
Attorney for Plaintiff-Relator  
Dragon Sun Law Firm, P.C.  
148 East Avenue, Unit 1F  
Norwalk, CT 06851  
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Attorney for Plaintiff-Relator [Under Seal]

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

[UNDER SEAL],	)	Case No.
	)	
Plaintiff	)	EXPARTE MOTION TO FILE
	)	COMPLAINT UNDER SEAL
vs.	)	
	)	
	)	FILED IN CAMERA AND UNDER SEAL
[UNDER SEAL],	)	PURSUANT TO 31 U.S.C. §3730(b)(2)
	)	
Defendant	)	
	)	

---

**DOCUMENT TO BE KEPT UNDER SEAL  
(DO NOT PLACE ON PACER)**

Lance Liu, Esq.  
Attorney for Plaintiff-Relator  
Dragon Sun Law Firm, P.C.  
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Norwalk, CT 06851  
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lanceliu@dragonsunlaw.com

Attorney for Plaintiff-Relator [Under Seal]

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COMPLAINT

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, ex rel.	)	
Luis Munoz,	)	Case No.
	)	
Plaintiff	)	COMPLAINT FOR VIOLATION OF
	)	FEDERAL FALSE CLAIMS ACT
vs.	)	
	)	
Raymond Lesko a/k/a Raymond J. Lesko	)	FILED IN CAMERA AND UNDER SEAL
a/k/a Raymond J. Lesko Jr.	)	PURSUANT TO 31 U.S.C. §3730(b)(2)
	)	
Defendant	)	JURY TRIAL DEMANDED
	)	

**PLAINTIFF-RELATOR'S COMPLAINT**

Plaintiff-Relator Luis Munoz ("Relator"), through his attorney, Lance Liu, Esq., on behalf of the United States of America ("Government" or "Federal Government") for his Complaint against Defendant Raymond Lesko a/k/a Raymond J. Lesko a/k/a Raymond J. Lesko Jr. ("Lesko" or "Defendant") alleges based upon relevant documents, personal knowledge, information and belief, as follows:

**I. INTRODUCTION**

1. This is an action to recover damages and civil penalties on behalf of the Government from Defendant arising from his false and/or fraudulent records, statements and claims made and caused to be made to the Government for payments in violation of the federal False Claims Act 31 U.S.C. §3729 et seq. (the "FCA").

2. The action seeks to recover hundreds of thousands of federal dollars spent to purchase defective mail delivery services from Defendant, who knowingly made false claims for payments to the Atlantic Region of the United States Postal Service ("USPS") from as early as

July 1, 1996 to the present by falsely presenting his defective/illegal mail delivery services to the Atlantic Region of the USPS as good/legitimate mail delivery services from various locations, including 2842 38<sup>th</sup> Street, Astoria, NY 11103, and 195 Meadow Street, Apt. 1, Naugatuck, CT 06770.

3. Defendant knew he was prohibited from providing mail delivery services to the Atlantic Region of the USPS for any payments as of July 1, 1996 under the USPS zero tolerance drug/alcohol policy (*see Exhibit A*) for mail delivery carriers because Defendant was convicted of Driving Under the Influence of Drug/Alcohol (“DUI”), first in CT Case No. U04W-MV95-0271324-T on July 1, 1996, then his second DUI conviction in CT Case No. U04W-MV96-0338615-S also on July 1, 1996 with his third DUI conviction in CT Case No. A05D-MV11-0319777-S on May 22, 2012. (*see Exhibit B*).

4. In order to receive payments from the USPS for his defective/illegal mail delivery services, Defendant falsely claimed his compliance with USPS zero tolerance policy on drugs/alcohol.

5. The Court in *United States ex rel. Landis v. Tailwind Sports Corporation, et al., No. 10-cv-976 (CRC) (D.D.C.)* specifically recognized violation of the USPS’s zero tolerance drug/alcohol policy as actionable offenses under the FCA, resulting in defendants paying \$5,000,000 damages to the Government for such violations.

6. Defendant’s acts in this case also constitutes actionable offenses under FCA and subject him to both the treble damages and the statutory damages of \$27,018 per violation.

## **II. JURISDICTION AND VENUE**

7. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §1331 and 31 U.S.C. §3732, the latter of which specifically confers jurisdiction to this Court for actions brought pursuant to 31 U.S.C. §3729 and 3730.

8. This Court has personal jurisdiction over the Defendant pursuant to 31 U.S.C. § 3732(a) because that section authorizes nationwide service of process and because the Defendant has minimum contact with the United States. Moreover, Defendant provided his defective mail delivery services to the Atlantic Region of the USPS, including the State of New York and received payments from it. (*see Exhibit C, USPS Regional Map*).

9. Venue is proper in the Southern District of New York pursuant to 28 U.S.C. §§ 1391(b)-(c) and 31 U.S.C. § 3732(a) because Defendant provided his defective mail delivery services to the Atlantic Region of the USPS, including the State of New York, and received payments from it. Moreover, one of the Defendant's addresses during its fraudulent acts was in the State of New York, i.e., at 2842 38<sup>th</sup> Street, Astoria, NY 11103.

### **FALSE CLAIMS ACT** **31 U.S.C. §§ 3719(a)(1)(A)-(B)**

10. Relator realleges and incorporates by reference the allegations contained in paragraphs 1 through 9 above as though fully set forth herein.

11. This is a claim for treble damages and penalties under the FCA. 31 U.S.C. § 3729, et seq., as amended.

12. By virtue of the acts described above, Defendant knowingly presented or caused to be presented, false or fraudulent claims to the Government for payment or approval.



13. By virtue of the acts described above, Defendant knowingly made or used, or caused to be made or used, false or fraudulent records or statements material to false or fraudulent claims for payment by the Government.

14. Relator cannot at this time identify all of the false claims for payment that were caused by Defendant's conduct. Relator does not have access to all the records of such false or fraudulent statements, records or claims.

15. The Government, unaware of the falsity of the records, statements and claims made or caused to be made by Defendant, paid and continues to pay the claims that would not be paid but for Defendant's illegal conduct.

16. By reason of Defendant's acts, the Government has been damaged, and continues to be damaged, in an amount of \$350,000 in the last six years.

17. Additionally, the Government is entitled to the maximum penalty of up to \$27,018 for each of the seventy violations arising from Defendant's unlawful conduct alleged herein, totaling \$1,891,260.

#### **PRAYER**

WHEREFORE, *qui tam* Plaintiff-Relator Luis Munoz prays for judgment against the Defendant as follows:

(1). That Defendant cease and desist from violating 31 U.S.C. § 3729, *et seq.*

(2). That this Court enter judgment against Defendant in an amount of \$1,050,000 which equals to three times of the \$350,000 in damages the United States has sustained because of Defendant's actions, plus a civil penalty of not less than \$13,508 and not more than \$27,018 for each of the seventy violations in the last six years.

(3). That Relator be awarded the maximum amount allowed pursuant to § 3730(d) of the False Claims Act, totaling \$2,941,260.

(4). Relator be awarded all costs of this action, including attorneys' fees and expenses ;  
and

(5). That Relator recovers such other relief as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Relator hereby demands a trial by jury.

Dated: September 11, 2023

BY: /s/lance liu   
Lance Liu, Esq.  
Attorney for Plaintiff-Relator  
Dragon Sun Law Firm, P.C.  
148 East Avenue, Unit 1F  
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# EXHIBIT A

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About

## 75 Eligibility to Drive

Applicants whose driving records reflect offenses or patterns noted in Exhibit 75 will not be allowed to drive under a Postal Service contract. A driver must be at least 18 years old and have 2 years' driving experience.

Exhibit 75

### Driver Disqualifications

#### General Disqualifying Factors

1. Applicant lacks adequate driving experience over the type of terrain and weather to be experienced on the route.
2. Applicant is not 18 years old and does not have 2 years' driving experience.
3. Applicant has a pending proceeding for suspension of driver's license or has had his or her license suspended for any moving violation within the last 3 years.
4. Applicant has had his or her driver's license revoked for other than administrative reasons, within the last 5 years.
5. Applicant has pending driving under the influence (DUI).

#### Specific Disqualifying Factors

Type of Violation	More than the indicated number of convictions within the last:	
	3 years	5 years
Reckless or careless driving.	1	2
Any driving conviction involving use of drugs, alcohol, or other controlled substances.	0 (none permitted)	0 (none permitted)
Any driving conviction involving drugs, alcohol, or other controlled substances while operating a vehicle under Postal Service contract.	0 (none permitted)	0 (none permitted)
At-fault accidents (i.e., accidents for which the driver was convicted of a moving violation).	2 or any at-fault accident resulting in a fatality.	2 or any at-fault accident resulting in a fatality.
Leaving the scene of an accident.	0 (none permitted)	0 (none permitted)
All other moving traffic offenses (includes speeding violations).	3 (or more than 1 in the last year)	5 (or 3 or more for same offense)

#### Notes:

For purposes of determining disqualifying violations, the Postal Inspection Service considers only offenses for which there was a conviction, except for pending DUIs. Timeframes for disqualification are measured from the date of the offense, not the date of the conviction. The 3 years' column applies only if the 5-year driving record is unavailable.

#### LEGAL

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# EXHIBIT B

12/03/2021 14:19 \* CRMVS CASE/DEFENDANT LOOK-UP \* IBLACLUYZE CR39  
\* CASE INFORMATION \* FTA9547;  
Dkt No: U04W-MV95-0271324-T Defendant: LESKO RAYMOND YO;

---

This case was sentenced and disposed of on 07/01/1996  
Probation with Special Conditions

Disposition Message: CONCW/338615				Amount Owed:		\$350	
PF1-M	PF1-R	PF1-N	PF1-1	PF1-3	PF1-4	PF1-5	PF1-6
PF1-7	PF1-9						

12/03/2021 14:19

\* CRMVS CASE/DEFENDANT LOOK-UP \*  
\* CONVICTED INFORMATION \*IBLACLUYZE CR39  
FTA9547:

Dkt No: U04W-MV95-0271324-T Defendant: LESKO RAYMOND

YO:

## Disclosable Charges

Chg	Statute Number / Name / Type/Class	Oc	PL	VF	Date	\$15 Costs	SOR DV
1	14-227a ILL OPN MV UNDER INFL ALC/DRUG M/U	1			GY 07/01/96		
	\$500 Fine					\$0 Remit	
						\$63 Fee	
						\$0 Surch	
							\$0 STF
C/C 5	6 Mos Jail Execution Suspend					18 Mos Probation	

PF1-M  
PF1-6PF1-R  
PF1-7PF1-N  
PF1-9

PF1-1

PF1-2

PF1-3

PF1-4

PF1-5

12/03/2021 14:12 \* CRMVS CASE/DEFENDANT LOOK-UP \* IBLACLUYZE CR39  
\* CASE INFORMATION \* FTA9547:  
Dkt No: U04W-MV96-0338615-S Defendant: LESKO RAYMOND J JR YO:

---

This case was sentenced and disposed of on 07/01/1996  
Probation with Special Conditions

Disposition Message: CONCW/271324ALEVTRTMTNODRUNSUS Amount Owed: \$0

---

PF1-M PF1-R PF1-3 PF1-4 PF1-5 PF1-6 PF1-7 PF1-9



12/03/2021 14:12

\* CRMVS CASE/DEFENDANT LOOK-UP \*

IBLACLOYZE

CR39

\* CONVICTED INFORMATION \*

FTA9547:

Dkt No: U04W-MV96-0338615-S Defendant: LESKO RAYMOND J JR

YO:

## Disclosable Charges

\$15 Costs

Chg	Statute Number / Name / Type/Class	Oc	PL	VF	Date	SQR	DV
1	14-227a ILL OPN MV UNDER INFL ALC/DRUG M/U	1	NG	GY	07/01/96		
	\$500 Fine	\$0	Remit	\$63	Fee	\$0	Surch
	\$0	STF					
G/C 5	6 Mos Jail Execution Suspend	18	Mos	Probation	200	Hrs	Comm Srv

PF1-M

PF1-R

PF1-2

PF1-3

PF1-4

PF1-5

PF1-6

PF1-7

PF1-9

Firefox

https://www.jud2.ct.gov/crdockets/CaseDetailDisp.aspx?source=Pendi...



Friday,  
December 3, 2021  
Docket Search  
by Court Location

## Criminal/Motor Vehicle Conviction Case Detail

Information is accurate as of December 02, 2021 05:08 AM

Friday,  
December 3, 2021  
Docket Search  
by Defendant

### Defendant Information

Last, First: LESKO RAYMOND J  
Birth Year: 1968

Represented By: 430245 RUANE ATTORNEYS

Pending Cases  
Search by Defendant

### Docket Information

Pending Cases  
Search by Docket Number

Docket No: A05D-MV11-0319777-S Original Arresting Agency: LOCAL POLICE DERBY  
Court: Derby GA 5  
Costs: \$15.00 Paid Original Arrest Date: 11/20/2011  
Sentenced Date: 5/22/2012

Convictions Search  
by Defendant

### Overall Sentence Information

Probation with Special Conditions

Convictions Search  
by Docket Number

Attorney/Firm Case List

Attorney/Firm Look-up  
Numbers

Statute	Description	ClassType	Occ	Offense	DatePlea	Verdict	Finding	Verdict	DateFine	Fee(s)
14-227a	ILL. Opn Mv Under Infl Alc/Drug	1	11/20/2011	GUILTY	Guilty			5/22/2012	\$500.00	\$83.00

Sentenced: 6 Months Jail, Execution Suspended, Probation 18 Months

GA Court Phone  
Numbers

Back

JD Court Phone  
Numbers

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# EXHIBIT C

## **District & Division Structure (March 2021)**

### **Retail & Delivery Operations (4 Areas, 50 Districts)**

New district territories will closely align to state boundaries. Districts will align with the communities we serve and provide familiar boundaries for employees, customers and stakeholders.

### **Logistics (4 Regions, 13 Divisions) & Processing Operations (2 Regions, 13 Divisions)**

To ensure alignment, Logistics and Processing Operations has 13 divisions. Each area is supported by three or four processing and logistics divisions. No divisions will span across more than one area. Logistics is aligned to 4 regions.



## Retail & Delivery

